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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,149	09/01/2000	Peter Guthmann	3916/59156-082	5899

7590

05/28/2002

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EXAMINER

NGUYEN, JIMMY T

ART UNIT

PAPER NUMBER

3725

DATE MAILED: 05/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/654,149

Applicant(s)

GUTHMANN ET AL.

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb.01,2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Drawings

The drawings in figure 1-3 are objected to because a belt crank (25) is pointing to a pivoting point. Correction is required.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, a plurality of rotating compression rollers in line 2 of claims 2, 7 and 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunther et al. (USPN 4,770,093) in view of Schaible (USPN 4,557,189). Gunther discloses a round baler and method of actuating a two-part housing of the baler comprising: a plurality of interlinked belts (42); a plurality of compression rollers (18, 20, 22, 24, 26) disposed adjacent to one another within a peripheral region of the bailing chamber; pivotally mounting a tensioning arm (58) with guide rollers (36, 38, 40); a hydraulic cylinder (68) that arranged between the pivoting arm (64)

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and a bell crank arm (102) (see figure 2); pivotally mounting the arm of the bell crank on a side wall of the baler's tailgate (see figure 2); a tension spring (60) that arranged between the pivoting arm and a mounting point on the frame of the baler. Gunther does not disclose a second arm of a bell crank that is engaging with a frontal part of the housing. However, Schaible discloses a round baler that has a hydraulic cylinder (10) connected to a first arm of a bell crank (15), wherein a second arm (7) of the bell crank is engaging with a frontal part of the housing by utilizing a pivoting pawl (8) and a stationary spigot (not labeled) and a fixed stop (not labeled, see figure 1) is arranged beside the second arm of the bell crank. It would have been obvious to the skilled artisan at the time the invention was made to provide the actuating mechanism of Gunther with a second arm of the bell crank engaging with a frontal part of the housing as taught by Schaible to provide a better locking/unlocking of the tailgate to the frontal housing part of the baler. Claims 11 – 17 are method claims that correspond to the apparatus claims.

With regards to the flat-type belts in claim 6 and 14. It would have been an obvious matter of design choice to a different type of belt, since the applicant has not discloses that a flat-type belt solves any stated problem or is particular purpose and it appears that the invention would perform equally well with the type of belt of the above invention.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Clostermeyer et al (USPN 5,826,418) and Viaud (USPN 4,545,298) disclose a similar actuating mechanism using cylinder. Clostermeyer et al (USPN 5,134,839) discloses a round baler that has a plurality of circulating flat-type belts and pressure rollers disposed adjacent to one another within a peripheral region of a baling chamber.

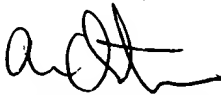
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304. The examiner can normally be reached on Mon-Fri 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3579 for regular communications and (703) 305-3579 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen
May 22, 2002


ALLEN OSTRAGER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700